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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,732	05/10/2005	Jorgen Zachariassen	900.44376X00	2542
20457 7590 07/18/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER PRICE, RICHARD THOMAS JR	
			ART UNIT 3643	PAPER NUMBER
			NOTIFICATION DATE 07/18/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeaction@antonelli.com  
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## Office Action Summary

Application No.

10/511,732

Applicant(s)

ZACHARIASSEN, JORGEN

Examiner

Thomas Price

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3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 9-27 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1-14-2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Lack of Unity***

The Applicant claims a method of scalding of slaughtered poultry in claims 9-12 and 22-25 and an apparatus in claims 13-21, 26 and 27. These groups of invention are permissible under PCT Rule 13, if a single general inventive concept links the claims in the various categories. Unity of invention has to be considered in the first place only in relation to the independent claims. If, however, an independent claim(s) does not avoid the prior art, then the question whether there is still an inventive link between all the claims dependent on that particular independent claim needs to be considered. Further, if the common matter of the independent claims is well known and the remaining subject matter of each claim differs from that of the others without there being any unifying novel inventive concept common to all, then clearly there is lack of unity of invention. The Examiner will explain in detail why there is no unifying inventive concept in the independent and dependent claims, herebelow.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 9-12 and 22-25, drawn to a method of scalding of slaughtered poultry.

Group II, claim(s) claims 13-21, 26 and 27, drawn to an apparatus for scalding of slaughtered poultry.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: \*\*\*

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1. The apparatus claimed is not “specifically designed for” carrying out the process and/or,

2. there is no common “special technical feature” because the general inventive concept set forth, for example, the claim language of claims 9 and 13, do not define over the teachings of the prior art, for example, the reference to ***Snowden (US Patent 32,748,691) in view of Wichelmann (US Patent 7,189,157)*** teach a method and apparatus for scalding slaughtered poultry including conveying the poultry by their feet through a scalding chamber while providing a controlled heated atmosphere of humid, hot air at the bottom of the chamber. Wichelmann teaches first and second nozzles for emitting hot humid air which can be recirculated through said nozzles.

As a result, it is believed that the respective independent claims 9 and 13 lack unity of invention. The Applicant is required to elect a single group of invention between Group I and II. It is also believed that this application contains claims directed to more than one species of the generic invention. These Species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. See the detailed listing and explanation presented below.

If Group I is elected, then the Applicant must elect a single species of Group I listed below.

**Species of Group I:**

Species IA, as claimed in claims 10, 12, 23 and 25.

Species IB as claimed in claims 11 and 24.

Species IC as claimed in claims 22.

If Group II is elected, then the Applicant must elect a single species of Group II listed below.

**Species of Group II:**

Species IIA as claimed in claims 14 and 16.

Species IIB as claimed in claims 14 and 19.

Species IIC as claimed in 14 and 21.

Species IID as claimed in claims 15 and 27.

Species IIE as claimed in claims 17 and 26.

Species IIF as claimed in claim 18.

Species IIG as claimed in claims 20.

The Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claims is finally held to be allowable. The reply Must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claims as provided by 37 CFR 1.141. IF claims are added after the election, Applicant must indicate which are read upon the elected species.

The claims are deemed to correspond to the species listed above in the following manner:

**Species of Group I:**

Species IA directed to two or more scalding chambers with mutually different temperature zones..

Species IB directed to a first zone of one of the at the at least scalding chambers has a temperature of 85 degrees Celsius.

Species IC directed to scalding chambers each having a temperature zone.

**Species of Group II:**

Species IIA directed to an entry and exit sluices placed at different levels with scalding chambers each having different temperatures.

Species IIB directed to an entry and exit sluices placed at different levels with scalding chambers, wherein at least one scalding chamber is external to an existing slaughterhouse.

Species IIC directed to an entry and exit sluices placed at different levels with at least one scalding chamber extends between two levels of a slaughterhouse building.

Species IID directed to scalding chambers each having a different temperature zone.

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Species IIE directed to at least one scalding chamber at a temperature of 85 degrees Celsius.

Species IIF directed to at least one scalding chamber is external to an existing slaughterhouse and the entry and exit sluices are a part of a wall of the slaughterhouse.

Species IIG directed to at least one scalding chamber extends between two levels of a slaughterhouse building.

The following claims are generic:

Species I includes generic claim 9.

Species II includes generic claim 13.

The species listed above do not relate to single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each species listed above includes a special technical feature which is not claimed in any other species.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on M-F from 6:30a.m. to 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas Price

Primary Examiner GAU: 3643

July 08, 2007

rtp